Q2 REPORT
FOR 2014/215

LEGAL AID ONTARIO Q2 REPORT

HEADLINES

JULY 3

LAO NOW COVERING COST OF LAWYER FOR SEPARATION AGREEMENTS

Eligible clients who are separating from their spouse can now get help from a LAO lawyer to negotiate and draw up a legally-binding separation agreement to settle custody, access, support and property issues.

JULY 3

UNDERGOING MEDIATION? BOTH PARTIES MAY BE ELIGIBLE FOR FAMILY LAWYERS

Separating couples who choose mediation may now both be eligible for legal aid family lawyers as LAO expands its pilot province-wide.

JULY 8

LAO SUPPORTS DEVELOPMENT OF MENTAL HEALTH DISABILITIES AND ADDICTIONS INTAKE TOOL

LAO is partnering with the Canadian Mental Health Association, Ontario and the Provincial Human Services and Justice Coordinating Committee to create a standard set of intake questions to identify at-risk and high-needs clients and ensure they get the legal supports they need.

JULY 8

LAO TO FUND 15 CLINIC PROJECTS

LAO is committing $9 million over the next three years to help community and legal aid clinics improve access to justice and outcomes for low-income Ontarians. LAO will fund 15 clinic projects in this first funding instalment.

AUGUST 25

LAO PARALEGALS EXPAND SCOPE OF SERVICES IN FOUR CRIMINAL COURTS

LAO paralegals working in four courthouses across Ontario will soon be expanding their role to increase direct frontline services for low-income Ontarians.

SEPTEMBER 2

LAO FUNDING FAMILY LAW SERVICES AT UNIVERSITY-BASED STUDENT LEGAL AID SERVICES SOCIETIES

LAO is providing over $2 million over three years to six university-operated legal clinics to provide family law services for low-income Ontarians.

SEPTEMBER 30

OSHAWA FAMILY LAW SERVICE CENTRE OPENS

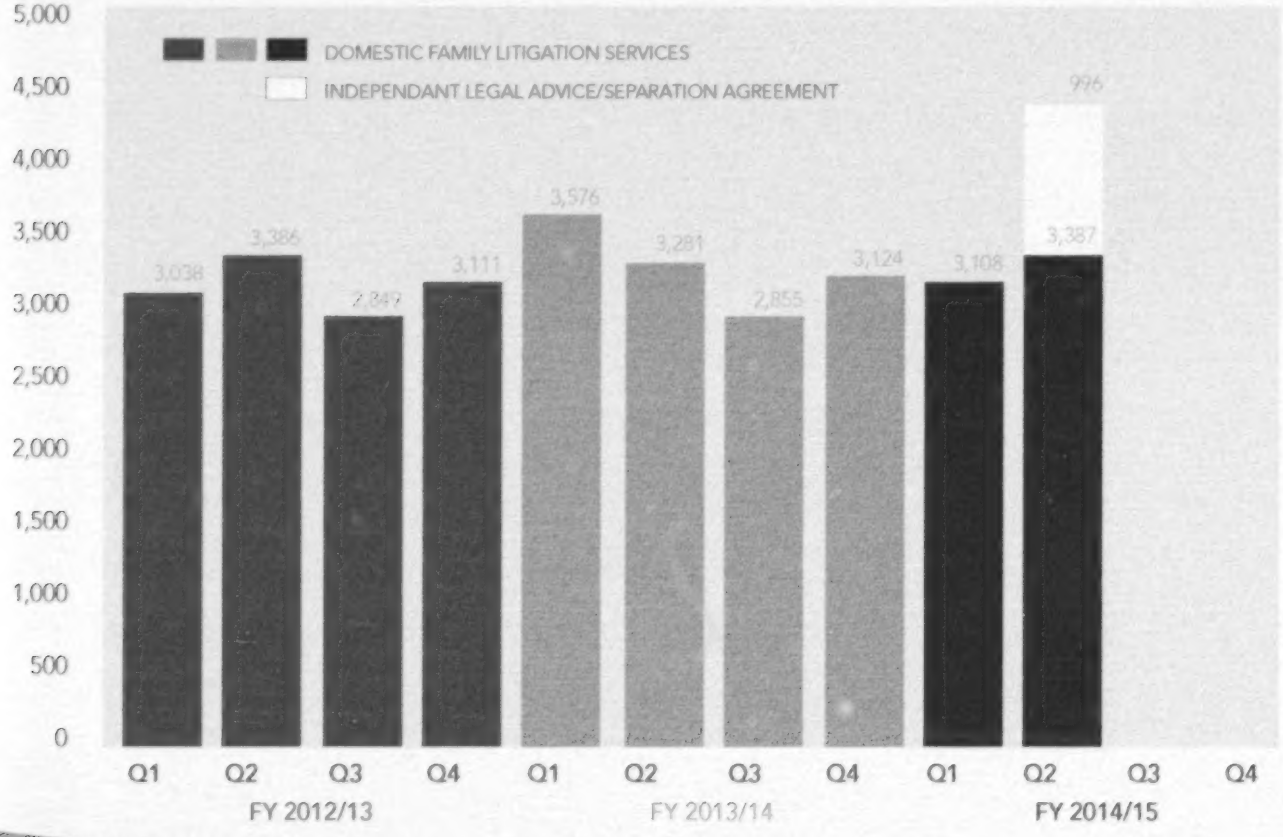
Oshawa's new family law service centre has begun supporting low-income people who live in Durham Region or have a court case at the Durham Region Courthouse in Oshawa.

SPOTLIGHT ON: **NON-LITIGATION CERTIFICATES**

In July 2014, LAO began offering separation agreement certificates and the province-wide roll-out of independent legal advice certificates. In the second quarter, LAO assisted almost 1,000 new clients with these non-litigation certificates, which are aimed at helping clients resolve their issues earlier and avoid the family court process.

During this period, LAO issued more certificates to private bar lawyers to assist clients with family law issues than at any time in the last five years. Certificates issued during the second quarter is 33 per cent higher than last year.

DOMESTIC FAMILY LAW CERTIFICATES ISSUED



LAO ASSISTED ALMOST

1,000

NEW CLIENTS

CERTIFICATES ISSUED

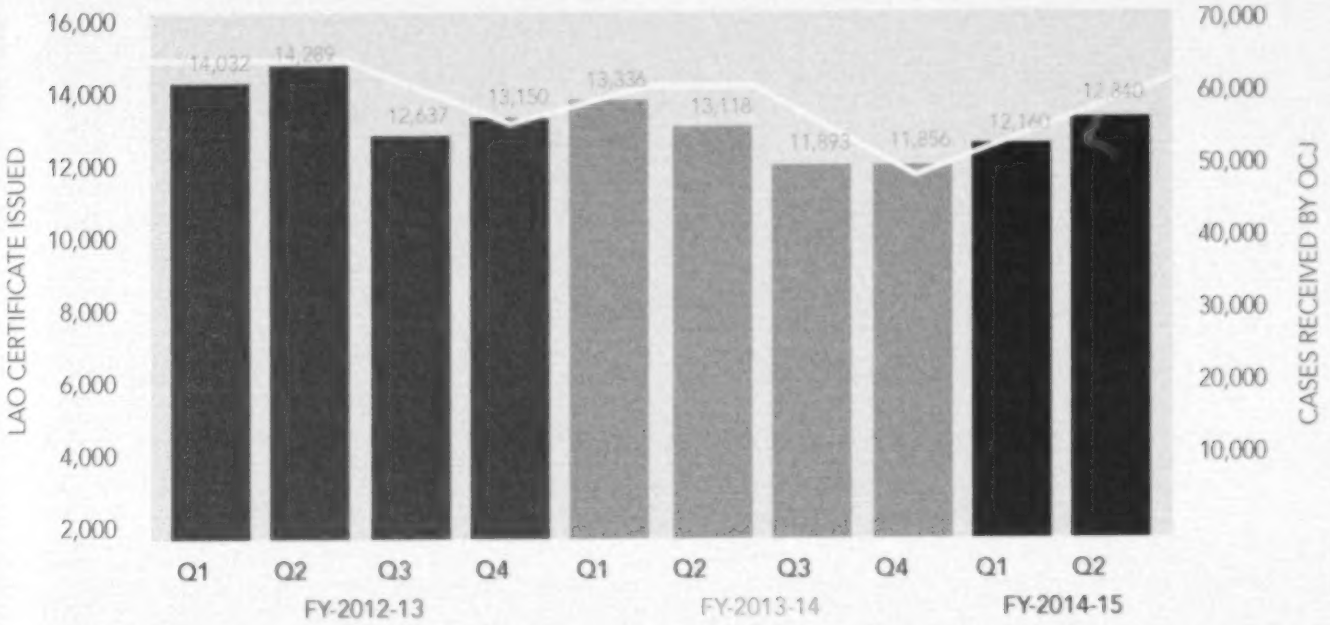
33%

HIGHER IN Q2

SPOTLIGHT ON: CRIMINAL LAW

LAO consistently covers approximately 23 per cent of the cases in the Ontario Court of Justice. LAO does this by issuing a certificate to a private bar lawyer to represent eligible clients. The number of certificates issued to eligible accused clients has increased in the last two quarters because the number of cases has increased in the Ontario Court of Justice.

CRIMINAL LAW - DEFENSE TO NEW CHARGES



BARS - CERTIFICATES ISSUED DEFENSE TO NEW CHARGES
LINE - CRIMINAL CASES RECIEVED ONTARIO COURT OF JUSTICE

TIMELINESS OF SERVICE

TOLL-FREE TELEPHONE SERVICES

Whether a client is looking for information about legal aid services, the type of services they're qualified for or if they have questions about their legal aid application, they can call LAO's toll-free number for help in over 200 languages. Clients can access a wide range of general information, summary legal advice and applications for legal aid. Calls to Legal Aid Ontario's toll-free call centre are streamed into one of two tiers.

CALLS ARE STREAMED INTO TWO TIERS

TIER 1	TIER 2
Clients are matched to the appropriate service and referred to other programs.	Clients are assessed for financial eligibility, provided with legal information or referred to staff lawyers for legal advice in either family law, criminal law or immigration law. Clients can also apply for legal aid at this level.
60,083 calls were answered compared to 64,450 calls in Q2 last year.	**31,552** calls were answered compared to 24,225 in Q2 last year.
Average wait time in Q2 was **4 min 37 sec** compared to target of 1 min 30 seconds.	Average wait time in Q2 was **10 min 48 sec** compared to target of 6 min 30 sec.
Average time spent on a call was **4 min 21 sec**.	Average time spent on a call was **15 min 35 sec**.

SAME-DAY DECISIONS

LAO's provincial courthouse offices provide support for applications, general information, status checks and referrals. 79 per cent of LAO's clients, many of whom apply before their first court appearance, receive a decision on their legal aid application the same day they apply.

% DECISIONS MADE SAME DAY

	YTD SEPTEMBER 2013	YTD SEPTEMBER 2014
CRIMINAL	82%	82%
FAMILY	74%	70%
REFUGEE	69%	72%
OTHER CIVIL	91%	89%
TOTAL	**80%**	**79%**

79%

OF LAO CLIENTS RECEIVE A DECISION ON THE LEGAL AID AID APPLICATION THE SAME DAY THEY APPLIED.

SERVICE LEVELS

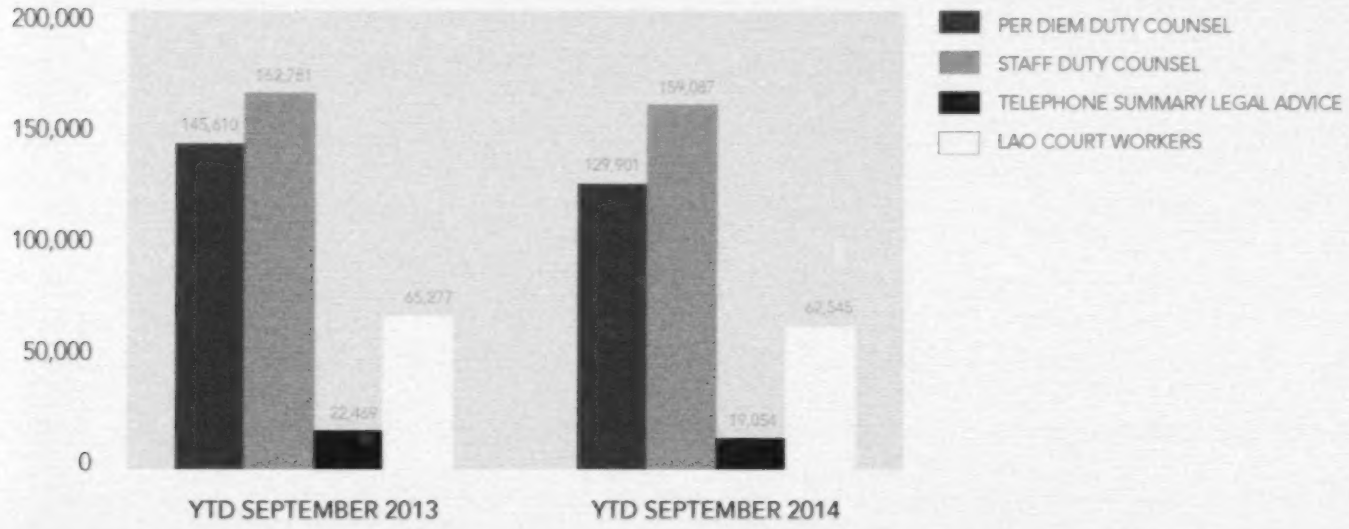
DUTY COUNSEL

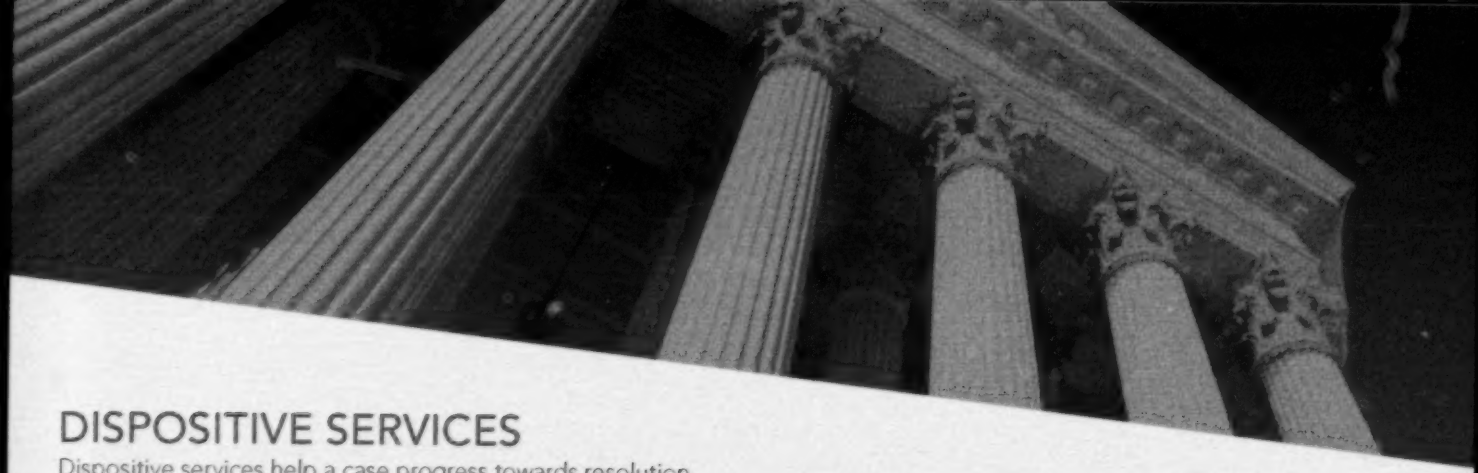
Duty counsel are lawyers, available in most courthouses, who can quickly assess a person's legal problems and provide frontline advice, information and representation to people who would otherwise be unrepresented and unassisted in the courtroom.

In Q2, the total number of people duty counsel (includes per diem, staff duty counsel, telephone summary legal advice and LAO court workers) assissted dropped by 6.4 per cent compared to last year. The decrease is consistent with the trend of fewer events being heard at courts.

Additionally, LAO's legal aid workers at the courthouse support duty counsel by providing certain services under appropriate supervision, so that LAO makes the most effective use of its per diem and staff lawyers.

DUTY COUNSEL TOTAL PERSONS ASSISTED 2013/14





DISPOSITIVE SERVICES

Dispositive services help a case progress towards resolution.

13,863 civil/family assists for Q2 compared to 14,424 last year.

CIVIL/FAMILY DISPOSITIVE SERVICES INCLUDE:

- arguing emergency motions
- obtaining consent orders
- arguing motion/application/ adjournments
- supporting enforcement proceedings
- supporting inter-jurisdictional support hearings
- conducting *Child and Family Services Act (CFSA)* temporary care and custody, CFSA status review, CFSA apprehension
- conducting parole hearing or disciplinary hearings

40,901 criminal assists for Q2 compared to 45,361 last year.

SOME CRIMINAL DISPOSITIVE SERVICES INCLUDE:

- trials
- withdrawal of all charges
- guilty pleas/speaking to sentence
- *Gladue* submissions
- judicial interim release proceedings
- diversion/extra-judicial sanctions
- peace bond/recognizance
- hearings to rescind bench warrants
- mental health assessment order hearings, sentence reviews
- appeals de novo

FAMILY DUTY COUNSEL PROVIDED

13,863

DISPOSITIVE ASSISTS

CRIMINAL DUTY COUNSEL PROVIDED

40,901

DISPOSITIVE ASSISTS

PRIVATE BAR SERVICES

LEGAL AID CERTIFICATES

If a client is financially eligible and their legal needs warrant it, a client will be advised to apply for a certificate, which covers the cost of a lawyer.

The certificate is like a voucher, guaranteeing that one of more than 4,000 private practice lawyers in Ontario who participate in the legal aid certificate program will be paid to represent an LAO client for a certain number of hours.

CERTIFICATES ISSUED

	Q2 2013/14	Q2 2014/15	% CHANGE
CRIMINAL	28,995	27,262	-6%
FAMILY	10,021	10,485	5%
IMMIGRATION & REFUGEE	2,487	3,115	25%
OTHER CIVIL	2,218	2,284	3%
TOTAL	**43,681**	**43,146**	**-1%**

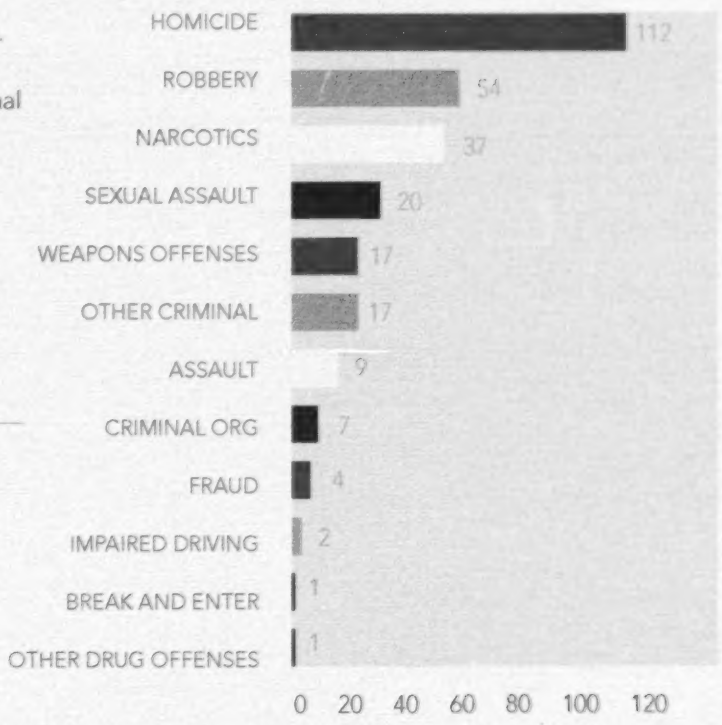
BIG CASE MANAGEMENT

The Big Case Management (BCM) program governs the most costly and complex criminal trial defences LAO funds.

Under the BCM program, LAO sets budget limits for criminal cases expected to cost more than $20,000. In these cases, LAO establishes individual budgets rather than using its standard tariff system to determine the maximum hours available to counsel.

In Q2, LAO issued a total of 281 certificates for the BCM program. Costs for the BCM program were $11.94 million.

NUMBER OF BCM CERTIFICATES BY CATEGORY



CERITFICATES ISSUED

43,146 YTD Q2 2014/15

FINANCIAL UPDATE

LEGAL AID ONTARIO
DRAFT UNAUDITED STATEMENT OF OPERATIONS
FOR THE MONTH ENDED SEPT. 30, 2014
($M)

	YTD SEPTEMBER 2013	YTD SEPTEMBER 2014	
OPERATING BUDGET ($M)	**ACTUAL**	**ACTUAL**	**% CHANGE**
GOVERNMENT OF ONTARIO	173.41	177.25	2.2%
LAW FOUNDATION	10.46	13.51	29.2%
CLIENT CONTRIUBTIONS	5.27	4.97	-5.7%
CLIENT & OTHER RECOVERIES	0.68	0.39	-43.1%
MISCELLANEOUS	0.53	0.57	8.7%
TOTAL REVENUE	190.338	196.684	
CORE BUSINESS EXPENSES			
CERTIFICATE PROGRAM - BCM	12.71	11.91	-6.1%
CERTIFICATE PROGRAM - OTHER	73.34	70.79	-3.5%
CLIENT SERVICES OFFICES	6.26	7.31	16.7%
NEW FAMILY FUNDING 2013/14		0.98	
CLINIC PROGRAM	36.80	38.15	3.7%
CLINIC PROGRAM - CIMS	0.14	0.58	325.5%
NEW CLINIC PROGRAM FUNDING 2013/14		0.12	
DUTY COUNSEL PROGRAM	23.20	24.69	6.4%
SERVICE INNOVATION PROJECTS	0.14	0.51	273.7%
TOTAL CORE BUSINESS EXPENSES	152.583	155.072	
SERVICE PROVIDER SUPPORT	2.51	2.75	9.2%
ADMINISTRATIVE EXPENSES	14.93	16.52	10.7%
OTHER EXPENDITURES	3.28	3.47	5.9%
PROGRAM SUPPORT	10.27	11.11	8.2%
TOTAL OPERATING EXPENSES	183.57	188.93	2.9%
OPERATING SURPLUS/(DEFICIT)	**6.767**	**7.757**	**14.6%**